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Federated States of Micronesia

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified not accepted*
Ratification, accession or succession	CEDAW (2004)	OP-CRC-SC (2012)	ICERD
	CRC (1993)	CRPD (signature, 2011)	ICESCR
	OP-CRC-AC (signature, 2002)		ICCPR
			ICCPR-OP2
			CAT
			OP-CAT
			OP-CRC-AC (signature, 2002)
			ICRMW
			CRPD (signature, 2011)
			ICPPED
Reservations and/or declarations	CEDAW (reservations, arts. 11 (1) (d), 11 (2) (b), 2 (f), 5, 16 and 29 (1), 2004)		
Complaints procedures, inquiries and urgent action[3]			ICERD
			OP-ICESCR
			ICCPR
			ICCPR-OP 1
			OP-CEDAW
			CAT
			OP-CRC-IC
			ICRMW
			OP-CRPD
			ICPPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[4]		Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International

Status during previous cycle	*Action after review*	*Not ratified*
		Criminal Court
		Palermo Protocol[5]
		Conventions on refugees and stateless persons (except 1961 Convention on the Reduction of Statelessness) [6]
		1961 Convention on the Reduction of Statelessness
		Additional Protocol III to the 1949 Geneva Conventions[7]
		ILO fundamental conventions except Nos. 138 and 182[8]
		ILO Convention No. 182[9]
		Convention against Discrimination in Education

1. The United Nations country team based in Suva urged the Federated States of Micronesia to ratify the remaining core international human rights treaties and their optional protocols, in line with the recommendations accepted by the State during its first universal periodic review, in 2010.[10]

2. The country team encouraged the Federated States of Micronesia to ratify CRPD and incorporate it into national law.[11]

3. The country team noted that, in ratifying CEDAW, the Federated States of Micronesia expressed reservations to article 11 (1) (d), regarding equal remuneration and recognition in employment; article 11 (2) (b), regarding maternity leave and comparable social benefits; article 2 (f), regarding the removal of discriminatory legislation, regulations, customs and practices; article 5, regarding the modification of the cultural and social patterns of conduct of men and women, including in respect of child-rearing responsibilities; article 16, regarding the elimination of discrimination against women in all matters relating to marriage and family relations; and article 29 (1), regarding the option for a party in a dispute concerning the interpretation or application of CEDAW to request arbitration.[12]

4. The country team also noted that, in responding to the 2010 report of the Working Group on the Universal Periodic Review, the Federated States of Micronesia accepted the recommendations calling for the withdrawal of the reservations to CEDAW. The country team reiterated those recommendations, which had been accepted by the State, and urged the Federated States of Micronesia to seek and utilize technical support in addressing national and federal constraints to the full adoption and implementation of CEDAW.[13]

5. The country team noted that during the first cycle of the universal periodic review the Federated States of Micronesia had accepted the recommendation on seeking membership in the International Labour Organization with a view to ratifying its fundamental conventions. The country team encouraged the Federated States of Micronesia to continue to consider and make progress towards the fulfilment of that recommendation.[14]

B. Constitutional and legislative framework

6. The country team noted that section 5 of article IV of the Constitution included provisions for non-discrimination on the grounds of sex, race, ancestry, national origin, language and social norms. However, the Constitution did not include gender, sexual orientation or disability as grounds for non-discrimination. The country team encouraged the passage of constitutional amendments to include gender, sexual orientation and disability as grounds for non-discrimination.[15]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
Committee on the Elimination of Discrimination against Women	-	2015	-	Initial report pending consideration
Committee on the Rights of the Child	January 1998	-	-	Second report overdue since 2000. Initial report on OP-CRC-SC overdue since 2014

7. The country team highlighted that the Federated States of Micronesia had yet to fulfil its reporting obligations under CRC and OP-CRC-SC. While acknowledging the challenges faced by small island developing States in meeting their reporting obligations, the country team encouraged the Federated States of Micronesia to submit its periodic report on the implementation of CRC, which was due in June 2000, and its report on the implementation of OP-CRC-SC, which was due in May 2014, and to seek and utilize technical support and resources from the United Nations entities such as the United Nations Children's Fund and development agencies to accelerate efforts to fulfil its reporting and implementation obligations in respect of OP-CRC-SC.[16]

B. Cooperation with special procedures[17]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	-	-
Visits agreed to in principle	-	-
Visits requested	-	-
Responses to letters of allegation and urgent appeals	During the period under review, no communications were sent.	
Follow-up reports and missions		

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Right to life, liberty and security of person

8. The country team emphasized that there was no federal legislation on domestic violence and that only Kosrae State had passed such legislation. It urged the Federated States of Micronesia to introduce federal legislation criminalizing violence against women.[18]

9. The country team encouraged the government of Kosrae to implement the State Family Protection Act by strengthening health services and developing the capacity of key stakeholders, including the police and the courts, providing redress for victims and survivors of violence and making ongoing efforts to raise community awareness and address cultural challenges to the elimination of violence against women.[19]

10. The country team noted that, in incorporating into national law and in advancing the minimum standards for the elimination of human trafficking, the States of Pohnpei, Chuuk, Kosrae and Yap implemented anti-trafficking regulations in 2012. It noted as positive the enactment of those regulations, as recommended and accepted in the 2010 report of the Working Group on the Universal Periodic Review.[20]

11. The country team encouraged ongoing efforts to implement those regulations through the investigation, prosecution and punishment of all human trafficking offenders and by developing procedures for the proactive identification of human trafficking victims among foreign workers and fishermen and by increasing community awareness on human trafficking and effective victim support mechanisms.[21]

B. Right to marriage and family life

12. The country team noted that the minimum legal age for marriage in the Federated States of Micronesia was 18 years for boys and 16 years for girls, but that girls under 16 may marry with parental consent.[22]

13. The country team encouraged the passage of a legislative amendment to raise the minimum age of consent to marriage for girls to 18 years, in line with CRC and article 16 (2) of CEDAW.[23]

C. Freedom of expression and right to participate in public and political life

14. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that there was no freedom of information in the country and recommended that the Federated States of Micronesia introduce an access to information law that is in accordance with international standards.[24]

15. The country team highlighted that the Federated States of Micronesia had a 14-member Congress and that although women had run as candidates no woman had ever been elected to Congress. In 2012, Congress introduced a bill reserving seats for women. However, it did not achieve the required support. The country team urged the Government to consider adopting temporary special measures to address the critical underrepresentation of women in Parliament and Congress.[25]

D. Right to work and to just and favourable conditions of work

16. According to the country team, there is currently no labour law in place in the Federated States of Micronesia setting out the minimum age and conditions of employment. Hence, it encouraged the Federated States of Micronesia to put in place labour laws that comply with article 32 of CRC, on protecting all children from economic exploitation, setting the minimum age for admission to employment and regulating work conditions. It also encouraged the Government to enact legislative reforms with a view to addressing the issue of persons who expose children to a hazardous work environment or interfere with their education, right to health and social development through employment.[26]

E. Right to social security and to an adequate standard of living

17. The country team noted that a large and growing section of the population across the country lived off subsistence activities such as the production of breadfruit, coconuts, bananas, betel nuts, cassava, taro and kava. These people were excluded from receiving benefits provided by the Government, as the social security programme was primarily designed for people employed in the formal sector.[27]

18. The country team encouraged the Government to introduce a broader social protection system aimed at assisting marginalized and vulnerable groups and individuals, in particular those in the informal sector, who do not benefit from the current social security programme.[28]

19. According to the country team, over the past two decades, the Federated States of Micronesia has made significant progress in increasing sanitation coverage. Access to better sources of drinking water is relatively high, but reaching the last 10 per cent of the population remains a challenge. The country team encouraged the Federated States of Micronesia to continue to strengthen efforts to increase sanitation coverage. Community approaches to total sanitation are critical. The country team further encouraged scaling up support to Chuuk State and the outer islands of Yap State in increasing their access to water and sanitation.[29]

F. Right to health

20. The country team noted that the Maternal and Child Health Programme of the Federated States of Micronesia provided clinical and outreach activities within communities and schools, and included efforts to reach out-of-school adolescents.[30]

21. The country team highlighted that the Federated States of Micronesia had made significant progress in reducing infant and under-5 mortality, showing a fundamental commitment to child health. Nearly 90 per cent of births occurred in a health facility.[31]

22. According to the country team, breastfeeding helps protect babies and young children against dangerous illnesses. There is a dearth of detailed data in the Federated States of Micronesia regarding breastfeeding practices, including on whether newborns are breastfed within one hour or one day of birth, on the mean duration of breastfeeding, on exclusive breastfeeding and on when solid foods are introduced into the infant's diet. Pohnpei is the only State with a baby-friendly hospital, which is an important step in the promotion of breastfeeding. Chuuk has an active breastfeeding support group, which might explain the higher rates of breastfeeding in that State.[32]

23. The country team stated that efforts were being made by the Federated States of Micronesia to reduce the risk posed by sexually transmitted infections and HIV through the

preventive health service. At the national and State levels, coordinators on sexually transmitted infections and HIV had been appointed. Faith-based groups, including churches, were also acknowledging and addressing the problems posed by such infections, and foreign donors were supporting prevention activities. The country team encouraged the strengthening of routine and active surveillance systems and of federal and State capacity to plan, implement, monitor and evaluate national programmes addressing sexually transmitted infections and HIV, paying special attention to reaching the most vulnerable and at-risk populations, including adolescents and youth.[33]

24. The country team also encouraged the Federated States of Micronesia to expand the availability and accessibility of affordable services for people living with HIV and other sexually transmitted infections, particularly women, children, adolescents and young people, by updating policies and guidelines on testing and counselling. On the prevention of mother-to-child transmission of HIV, the country team encouraged using rapid point-of-care tests; focusing on provider-initiated counselling and testing; ensuring that all HIV-positive pregnant women receive lifetime treatment in an effort to significantly reduce the risk of transmitting HIV to their children; and ensuring that infants born to HIV-positive mothers are tested for HIV within two months of birth so that they can begin lifesaving treatment immediately, if required.[34]

25. The country team highlighted the fact that immunization coverage varies widely between States and that according to official estimates it has decreased since the mid-2000s. The country is not achieving its own domestic target of 90 per cent of children completing all immunization by or before two years of age. The country team recommended the implementation of public health interventions to expand immunization coverage, including to rural communities and outer islands.[35]

26. The country team noted that malnutrition, which was a common problem among young children, was due more to the consumption of unhealthy or inappropriate food than to a lack of access to nutritious food. Micronutrient malnutrition was relatively common: around one third of pregnant women and infants screened in public hospitals were found to be anaemic in 2011. The country team encouraged the Federated States of Micronesia to continue its efforts to combat malnutrition and micronutrient deficiencies by ensuring the right to adequate food.[36]

27. The country team stated that, when considering child mortality as a whole, neonatal deaths accounted for 41 per cent of all deaths among children under 5 years of age. It encouraged the Federated States of Micronesia to ensure the right to health of newborns. Interventions could include focused antenatal care, early essential newborn care, emergency maternal and newborn care, breastfeeding, affordable neonatal intensive care for the seriously ill newborns and community follow-up for postnatal care, including community-based care for mothers and newborns.[37]

28. The country team stated that maternal mortality remained a concern. Maternal mortality rate was 127.7 deaths for every 100,000 live births. Women's access to reproductive health services remained low. Data showed that few women started receiving antenatal care in the first trimester of their pregnancy. The country team encouraged increased efforts to ensure access to early antenatal care, including for women in the outer islands and in isolated communities.[38]

29. According to the country team, the level of contraceptive use is low owing to various factors: poor service delivery due to geography, a lack of supplies and cultural and religious beliefs against contraceptive use. The unmet need for contraceptives is estimated at 44 per cent and the adolescent fertility rate is of 46 births for every 1,000 women of between 15 and 19 years of age. The country team encouraged the development of family planning and adolescent health policies and programmes for reproductive health education

and services and the strengthening of support services, including through the introduction of comprehensive sexuality education, youth-friendly services and counselling for both adolescents and their families.[39]

G. Right to education

30. UNESCO noted that the Federated States of Micronesia had a strategic plan to provide overall guidance for improving education in the country. However, the states of the federation had the primary responsibility for instruction, with the national Government providing support and assistance.[40] The country team noted that the Strategic Development Plan 2004-2023 contained five goals for the education sector: improving the quality of education, providing quality teaching, consolidating performance monitoring and data-based decision-making, strengthening participation in and accountability of the education system to the communities, and ensuring education that is relevant to the lives and aspirations of the people of the Federated States of Micronesia people.[41]

31. According to the country team, the Federated States of Micronesia is developing a kindergarten curriculum to enhance social skills through mathematics and language activities. It is anticipated that this will strengthen the standards and alignment of the early childhood education Country teamcurriculum with national benchmarks.[42]

32. UNESCO stated that, in 2012, the special education programme catered to the needs of nearly 1,900 children, most of whom had learning disabilities and speech impairments. The challenge of facilitating the transition of students and adults with disabilities between home, early childhood education, school, college and work remained.[43]

33. The country team noted that, according to the 2010 census, some 85 per cent of primary-school-age children attended school in 2010, compared with only 55 per cent of secondary-school-age children. There were significant disparities between and within the four states.[44] UNESCO noted that the country had achieved gender parity in primary education but that boys tended to be at a disadvantage at the secondary level.[45]

34. The country team expressed concern about the quality of education: more than 40 per cent of pupils in eighth grade eight were scoring far below the national minimum benchmarks for mathematics and reading. The poor quality of learning and educational achievements was attributed to inadequate resources and a lack of qualified teachers.[46]

35. The country team noted that migration from rural to urban areas was on the increase, causing overcrowding in urban schools and the depletion of students in outer-island schools. It also noted other concerns, including poor school infrastructure and limited contact with schools on the outer islands, as well as the high cost of such contact, which made it difficult for state and Federal agencies to provide technical assistance and support.[47]

36. According to the country team, the early childhood education curriculum had been revised and was aligned to national benchmarks and standards. It noted that the use of the vernacular as the main language of instruction during the earliest years of school was recognized in early childhood education as a best practice. The country team recommended taking into consideration the gradual and slow introduction of English in early childhood education and the first year of primary school, while also supporting a strong foundation in language and literacy in the vernacular.[48]

37. The country team noted that, as the education budget had been decentralized to the states, funding for early childhood education had been deprioritized and early childhood education had suffered. It recommended that all states in the country ensure that primary education is compulsory, available and free to all. The country team also encouraged the

Federated States of Micronesia to provide funds for training and for the professional development and ongoing monitoring of teachers.[49]

H. Cultural rights

38. UNESCO encouraged the Federated States of Micronesia to fully implement the provisions of the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) that promote access to and participation in cultural heritage and creative expression.[50]

I. Persons with disabilities

39. The country team noted that the Constitution of the Federated States of Micronesia did not have specific provisions prohibiting discrimination against persons with disabilities. It encouraged the passage of constitutional amendments to explicitly prohibit discrimination on the grounds of disability.[51]

40. The country team noted the passage of the National Disability Policy (2009-2016) and a programme managed by the social security administration to protect employees from loss due to disability. It commended both initiatives.[52]

41. UNESCO too noted the National Policy on Disability, which was designed to increase awareness and inclusion of people with disabilities. UNESCO also noted that the remaining gaps in the system for delivering services to children with special needs were due to a critical shortage of appropriately trained professionals and to transportation problems.[53]

42. The country team expressed concern about the critical shortages of appropriately trained professionals and the limited access to transportation negatively affecting the human rights of children with disabilities. The country team encouraged the adoption of a rights-based approach to disability and encouraged the Federated States of Micronesia to seek technical support from the United Nations and development partners with a view to empowering and protecting the rights of persons with disabilities, including children.[54]

43. The country team noted that eligibility criteria for social security benefits was highly restrictive, as only formal-sector wage earners and their dependents could qualify. It encouraged the introduction of a broader social protection system aimed at assisting persons with disabilities, in particular those in the informal sector, who do not benefit from the current social security programme.[55]

J. Right to development, and environmental issues

44. The country team noted that in the Strategic Development Plan 2004-2023 water and sanitation issues were given high priority, with significant fund for infrastructure development earmarked to the sector. Issues such as climate change — from awareness-raising to the development of coastal management plans in all four States and of climate-proof facilities and structures that support social and other services — were also addressed.[56]

45. The country team encouraged the development and adoption of child-centred disaster risk reduction frameworks and strategies, which is crucial to the protection of children. It also encouraged the Federated States of Micronesia to engage with the United Nations and development partners wherever technical support was required.[57]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the Federated States of Micronesia from the previous cycle (A/HRC/WG.6/9/FSM/2).

[2] The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.

[4] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.

[7] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/IHL.

[8] International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation Convention, 1958 (No. 111); Minimum Age Convention, 1973 (No. 138); Worst Forms of Child Labour Convention, 1999 (No. 182).

[9] ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

[10] See the United Nations country team submission for the universal periodic review of the Federated States of Micronesia, para. 4. See also the 2010 report of the Working Group on the Universal Periodic Review (A/HRC/16/16, para. 61.2).

[11] See country team submission, para. 5.

[12] Ibid., para. 6.

[13] Ibid., para. 7. See also A/HRC/16/16, paras. 61.16 (Australia), 61.17 (Brazil/Spain), 61.18 (United Kingdom of Great Britain and Northern Ireland), 61.19 (Ecuador) and 61.20 (Mexico).

[14] See country team submission, para. 8. See also A/HRC/16/16, para. 61.5 (Spain).

[15] See country team submission, para. 9.

[16] Ibid., para. 10.

[17] For the titles of special procedures mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[18] See country team submission, para. 13.

[19] Ibid., para. 14.

[20] Ibid., para. 15. Please also see A/HRC/16/16, para. 61.29 (United States of America).

[21] See country team submission: para. 16.

[22] Ibid., para. 17.

[23] Ibid., para. 18.

[24] UNESCO submission for the universal periodic review of the Federated States of Micronesia, paras. 33 and 39.

[25] See country team submission, paras. 19-20.

[26] Ibid., paras. 21-22.

[27] Ibid., para. 23.

[28] Ibid., para. 24.

[29] Ibid., para. 49.

[30] Ibid., para. 25.

[31] Ibid., paras. 26-27.

[32] Ibid., para. 28.

[33] Ibid., para. 29.

[34] Ibid., para. 30.

[35] Ibid , para. 31.

[36] Ibid., para. 32.

[37] Ibid., para. 33.

[38] Ibid., para. 34.

[39] Ibid., para. 35.

[40] See UNESCO submission, para. 5.

[41] See country team submission, para. 36. See also UNESCO submission, paras. 7-10.

[42] See country team submission, para. 37.

[43] See UNESCO submission, para. 16.

[44] See country team submission, para. 38.

[45] See UNESCO submission, para. 19.

[46] See country team submission, para. 39.

[47] Ibid., paras. 40-41.

[48] Ibid., para. 42.

[49] Ibid., para. 43.

[50] See UNESCO submission, para. 41.

[51] See country team submission, para. 46.

[52] Ibid., para. 44.

[53] See UNESCO submission, paras. 13-14.
[54] See country team submission, para. 47.
[55] Ibid., para. 48.
[56] Ibid., para. 50.
[57] Ibid., para. 51.